

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Kemeny (Reg. No. 57241) on August 4, 2009.

The application has been amended as follows:

Claim 12 has been amended as follows:

- - 12. (Currently Amended) The scroll compressor according to claim 9, wherein said scroll compressor uses a suction gas for performing an operation with a compression ratio ~~less than 3~~ **of 2**. - -

### **EXAMINER'S COMMENT**

A divisional application (12/411,840) was filed on March 26, 2009 to this current application (10/594,434). A provisional obvious non-statutory double patenting rejection can be made between the following claims of the current application and co-pending application (12/411,840): claim 1 of 10/594,434 and claim 5 of 12/411,840; claim 2 of 10/594,434 and claim 8 of 12/411,840; and claim 3 of 10/594,434 and claim 8 of 12/411,840; however, this rejection is withdrawn per MPEP §804. Since the provisional obvious double patenting would be the only remaining rejection in the current application and the current application is the earlier filed application, the current

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application is able to issue without a terminal disclaimer (see MPEP §804, Page 800-17).

### ***Communication***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARY A. DAVIS whose telephone number is (571)272-9965. The examiner can normally be reached on Monday thru Thursday; 5:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Denion can be reached on (571) 272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas E. Denion/  
Supervisory Patent Examiner, Art Unit 3748

/Mary A Davis/  
Examiner, Art Unit 3748